

## **The Maryland Board of Pharmacy Public Minutes— July 15, 1998**

President David Russo called the meeting to order at 8:42 A.M. In attendance were Commissioners Stanton Ades, Wayne Dyke, Barbara Jackson, William Johnson, Melvin Rubin, Laura Schneider, Ramona McCarthy Hawkins, Donald Yee and Jeanne Gilligan Furman; Board Staff, David Denoyer, Norene Pease, Tamarra Banks and Cheryl Cresic. Board Counsel Paul Ballard, and Commissioners W. Irving Lottier, Secretary and Raymond Love were excused and were absent from the meeting.

Guests present include:

Dorothy Levi  
Susan Snyder, UMAB, School of Pharmacy  
Jeremy Cundiff, UMAB, School of Pharmacy  
Phil Cogan  
Robert Vlk, Purdue  
Jack Freedman, Drug Control  
Nathan Gruz, MPHA  
Lauren Baldwin, NACDS  
Robert Boerner, MPHA  
Miriam “Mimi” Azrael

President David Russo asked the new Board members to introduce themselves and give a little background information. Melvin Rubin, Pharmacist; Laura Schneider, Compliance and buyer Giant Pharmacies; Ramona McCarthy Hawkins, Retired FDA; Jeanne Gilligan Furman, Hospital Pharmacist; Donald Yee, Hospital Pharmacist/Home Infusion.

**Recusals** - President Russo requested that any member of the Board with a conflict of interest relating to an item on the agenda should notify the Board at this time. There were no conflicts reported.

**Minutes** - A motion was made by Barbara Jackson and seconded by Stanton Ades to approve the June Board minutes with a correction on page 3 the word law should be changed to lab under Licensing Committee Report and a correction under PEAC Update, 501 3C. The minutes were approved.

**Executive Director's Report** - The Board is a preceptor site for the School of Pharmacy's Experiential Learning Program and will have five students from June through September. Ms. Pease introduced Jeremy Cundiff and Susan Snyder who are serving in an internship capacity with the Board during the month of July.

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Ms. Pease informed those present about the status of hiring a Legislative Officer who is in the Pharmacy Board budget and works for the Boards of Pharmacy, Physical Therapy and Social Work.

The National Association of Chain Drug Stores has offered to provide a stipend of \$1,000 to a representative from the Board to attend the 1998 Pharmacy Conference and Managed Care Forum. Ms. Pease wrote a letter to the Ethics Commission inquiring if it would pose a conflict of interest to accept the stipend and if it would be a conflict of interest for a representative of the Board to attend the meeting and represent the Board. She received a response via telephone conversation to be followed with a written response from Nancy Speck, Ethics Commission Counsel. Ms. Speck advises that no Board member accept the stipend, however the Board may authorize an individual (s) to represent them in sessions intended to discuss business related to state boards of pharmacy. President Russo appointed Stanton Ades and Laura Schneider to attend the NACDS convention and to represent the Board.

Ms. Pease informed the Board that the Department has asked the Board to submit a request for space and other building specifications such as computer and telephone needs for the Benjamin Rush Building to them for review. There has been no further communication from the Department regarding the potential move of the Board Office to the campus of Spring Grove Hospital.

David Denoyer informed the new Board members about the regional conference of District II boards of pharmacy and colleges of pharmacy to be held in Baltimore on October 22, 23, and 24, 1998. The conference will focus on how boards and schools of pharmacy are preparing for current and future changes in the practice of pharmacy relating to corporate and managed care trends in the delivery of pharmacy services. Board members were asked to contemplate possible speakers and panels on this topic and to share ideas and time to work on the conference with David Denoyer.

**Board Counsel's Report** - Board Counsel, Paul Ballard was absent from the meeting, therefore, no report was made.

**Licensing Committee Report** - The Licensing Committee met on July 14, 1998. Wayne Dyke reported that the June 22nd and 23rd exam consisted of 182 candidates which included 8 reinstatement candidates. There were five wet lab sessions and Mr. Dyke thanked all proctors. Mr. Dyke reported that he is waiting for the results electronically for licensure candidates who are yet to take the NABPLEX. About twenty five percent of licensure candidates examination scores are ready to be reported. The Board approved authorizing staff to release examination results as NABPLEX scores are received from NABP. The Board requested that a Board member review each letter reporting an examination score prior to mailing. Melvin Rubin volunteered to review

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each letter.

Mr. Dyke reported that there are 10 reciprocity candidates and a motion was made by Wayne Dyke and seconded by Barbara Jackson, that all candidates be approved with the exception of Kristen Souders, who will be licensed when the Board receives her Oral English competency certificate. The motion was approved. Melvin Rubin asked for the candidates names to be read to everyone present. They are: Donald T. Bishop, Amy M. Blachere, Aleem U. Dean, Ivan M. DeSantis, Cherryl A. Peterson, Thomas W. Rosemeier, Gwynetta A. Schuster, Sarah F. A. Shaikh, Kristen Souders and Vinh O. Vuong. He further requested that a list of the candidates for reciprocity be included in the monthly public Board packet.

### **Legislative Committee**

No report at this time.

### **Strategic Planning Report**

Ms. Pease reported that the committee met on June 24, 1998. A committee of association representatives that is independent of the Board is organizing to perform lobbying functions relating to any bills relating to disease state management, collaborative practice and/or medication administration that may be introduced during the 1999 session.

Jeremy Cundiff, student intern, reported on Mississippi's program for credenitaling pharmacists to participate in disease state management for asthma, diabetes and other conditions. He will make a full report to the Strategic Planning Group on July 27, 1998.

Ms. Pease reported that the next meeting is scheduled for July 27th at 8:00 am and invited all interested members of the Board to attend.

**Regulation Update - Code of Conduct** - Commissioner Ades discussed the proposed code of conduct. Mr. Ades reviewed the changes that were recommended by the Pharmacy Practice Committee. He asked that Mr. Denoyer contact Pam Owens to determine what is meant in section .03 B (5) by "an authorized representative of an agency." He suggested that the Board delay a vote on release of the regulations until August in order to allow the new Board members adequate time to review the draft.

Proposed revisions to COMAR 10.34.20, under the new proposed title of "Electronic Transmission of Prescriptions" will be discussed at the July 28, 1998 Practice Committee meeting. The proposal is on track to be presented to Deputy Secretary Shipnuck.

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### **PEAC Update - Stanton Ades**

PEAC Representative's Report - Stanton Ades will contact PEAC to get minutes from last meeting since he was unable to attend. Board members were asked for volunteers to be on this committee.

Status of Extension of Existing Contract - Tamarra Banks reported that we are trying to renew the existing memorandum of agreement (MOA) for PEAC through December 1998. Ms. Banks also stated that she will contact Paul Ballard, Board Counsel to research if PEAC qualifies for an extension of the MOA since PEAC may no longer be a part of the University of Maryland System

RFP Development - Norene Pease stated that she is in the process of writing a proposal to seek vendors for the bid process for rehabilitative services relating to additions.

Audit Report -Tamarra Banks reported that she received a response to the audit of PEAC conducted on May 18, 1998. She stated that the PEAC representative needs to be contacted regarding the audit responses, however the audit is completed.

Pharmacy Practice Committee - Mr. Ades reported that the June, 1998 meeting involved discussion of the code of conduct with guests, and that topic comprised the major portion of the practice committee meeting. The next meeting will be held on July 28, 1998 and will focus on the electronic transmission regulations, a response to the Suburban Hospital letter from last month, and pharmacy security issues. The meeting will include feedback from discussions with representatives from NACDS, MPHA and others regarding the electronic transmission regulations.

### **Budget Committee**

F.Y. 2000 Budget Development - Ms. Pease reported that she and Ms. Banks are working on the development of the F.Y. 2000 budget including initiatives. They will meet with Misters Dyke and Lottier to review the proposed budget before discussing it with the full Board.

The FY 2000 budget covers the period of July 1, 1999 to June 30, 2000. The issues in 2000 are the Board's reserve fund, personnel changes (contractual positions, reclasses), specific initiatives computer year 2000 problems and costs associated with the Board Office relocation. Revenue projections over the past two years will be reviewed and there will be discussion of the Health Care Access and Cost Commission's (HCACC) regarding how to handle a reduction in the user fee.

MMA Contract Extension - Tamarra Banks gave a brief overview of the status of MMA

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(Maryland Media Association) contract for the media campaign. She informed the Board that the contract for F.Y. 1999 has not been renewed as yet due to technical considerations with the DHMH contracts office. Barbara Jackson asked for volunteers to serve with her on the Public Relations Committee.

**End of Life Task Force** - Stanton Ades included in the Board packet a summary of the meeting of June 4th. No further discussions were held.

### **Questions for the Board**

#### **Past Inquiry**

CareMax Letter - President Russo presented this issue and introduced Ms. Miriam Azrael, an interested consumer involved in patient privacy issues. Ms. Azrael stated that the response letter from McKesson, which indicates that prior approval is obtained for consumers before participation in the refill reminder program, is incorrect. Ms. Azrael asked that we look at the Universal log, the form which ostensibly grants a waiver for the release of information. She stated: consumers have asked what they are signing, but do not receive candid information from the pharmacists which explains that the form is not simply an acknowledgment for eligibility for benefits and a prescription log. Her personal experience indicates patients are not told that the form is a release of information. Pharmacists do not seem to adequately inform patients about what they were actually signing.

David Russo stated that the Board is concerned with the issue of confidentiality and needs to decide on how to proceed with the McKesson programs. The Board agreed to invite McKesson to the next Board meeting under the public session.

Alco Pharmaceuticals - Recommendations from Misters Ades, Denoyer and Freedman - Mr. Denoyer explained that he wrote a letter to Alco explaining the past Board policy, consistent with COMAR, is to discourage the return of drugs from Assisted Living Residential settings, to pharmacies, unless the pharmacist is certain that there are no concerns related to the proper storage of previously dispensed medications. This policy is reflected in COMAR 10.34.15. Board members agreed that this was consistent with policy, but that the issue should be re-examined in view of the potential waste of some drugs dispensed in well-controlled settings.

#### **New Inquiries**

Wal-Mart security during remodeling - Stanton Ades motioned and Barbara Jackson seconded that the Board respond by saying the proposed plan is not acceptable and inform Wal-Mart of the need to install a procedure to comply and suggest what other pharmacies have done under similar

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conditions.

### **Informational**

Norene Pease briefed the Board about the Legislative Officer position and discussed the letter from Joe Compton declining involvement in this shared position for the upcoming fiscal year 1999.

David Denoyer briefly reviewed the informational letters for the Board. No further discussion was held concerning the informational material.

### **Follow - Up Letters**

Norene Pease reported that a letter to the Ethics Commission regarding the stipend to attend the NACDS National Conference was sent to Nancy Speck.

It was reported that the Practice Committee will follow up on the AMA letter of response.

Susan Snyder, Student Intern, will follow up on the letter from Harry Finke regarding what technicians can and cannot do in a pharmacy setting. This issue needs to be discussed when the Pharmacy Technician Task Force meets.

Automated Dispensing in Nursing Home “Transitional Units” - A letter will be sent to the new Director, Bona Benjamin, Pharmacy Manager, inviting Ms. Benjamin to the August 19th Board meeting.

A suggestion was also made to attach original letter to the follow-up letter in order for Board members to refer to the question to which the Board is responding when reviewing follow-up letters.

Respectfully Submitted,

W. Irving Lottier  
Secretary